

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

MILFORD & FORD ASSOCIATES, INC., and  
D. MICHAEL COLLINS,

Plaintiffs

C.A. NO. 1:09-CV-11261-DPW

v.

CELL-TEK, LLC,

Defendant and Third Party Plaintiff

v.

ERIE INSURANCE EXCHANGE, et al.

Third Party Defendants

**AFFIDAVIT OF ANYA VERKHOVSKAYA**

I, Anya Verkhovskaya, being duly sworn, aver as follows:

1. I am the Senior Executive Vice President and Chief Operating Officer of A.B. Data, Ltd.'s Class Action Administration Division ("A.B. Data") in Milwaukee, Wisconsin; West Palm Beach, Florida; San Francisco, California; and New York, New York. A.B. Data offers a full range of class action and complex litigation support services. My business address is 600 A.B. Data Drive, Milwaukee, WI 53217. My direct telephone number is 414-961-6441.

2. I submit this Affidavit in connection with the class action notice administration proceedings related to *Milford and Ford Associates, Inc. v. Cell-Tek, LLC*, Civil Action No. 1:09-CV-11261-DPW (the "Action"), pending in the United States District Court for the District of Massachusetts (the "Court"), per the terms of the Order Authorizing Notice of Class Settlement and Conditional Certification of Class and Entry of Scheduling Order (the "Order") and at the request of

Matthew P. McCue, Esq. of The Law Office of Matthew P. McCue and Edward A. Broderick, Esq. of Broderick Law, P.C. (“Class Counsel”).

3. This Affidavit is based upon my personal knowledge and upon information provided by Class Counsel, my associates, and staff.

4. A.B. Data was responsible for the notice administration in this Action per the terms of the Order, the Stipulation of Class Action Settlement (the “Stipulation”) and the request of Class Counsel. This Affidavit details the steps taken to implement notice per the Order including:

- a. Distributing the Class Action Fairness Act (CAFA) Notice to the respective Attorneys General;
- b. Distributing the Notice and Claim Form to all potential Class Members via the United States Postal Service (USPS) by First-Class Mail, postage prepaid;
- c. Disseminating the Notice and Claim Form to all potential Class Members via facsimile transmission;
- d. Website design, publishing, and maintenance;
- e. Establishing a case-specific toll-free telephone line with an interactive voice response (IVR) system and live operators;
- f. Processing Class Member requests for exclusion and objections; and
- g. Claim Form processing.

#### **CAFA NOTICE**

5. On March 25, 2011, A.B. Data delivered CAFA Notices to the USPS for delivery to the Attorney General of the United States and the Attorneys General of each state of Class Member location/residence pursuant to the class data.<sup>1</sup> A generic copy of the CAFA notice is attached as Exhibit A.<sup>2</sup>

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<sup>1</sup> States of Class Member location/residence were Connecticut, Delaware, the District of Columbia, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, and Virginia.

<sup>2</sup> Due to unforeseen technical issues, the exhibits referenced herein will be provided prior to the Final Approval Hearing.

**DIRECT MAIL NOTICE**

6. On or about March 18, 2011, A.B. Data received from Class Counsel the Court-approved Notice and Claim Form documents and formatted them together for printing (the “Notice Packet”).

A copy of the Notice Packet is attached as Exhibit B.

7. On or about March 19, 2011, A.B. Data received from Class Counsel a class data file, which contained class identifying information for 75,205 potential Class Members (the “Class List”). A.B. Data standardized and updated the Class List addresses using NCOA<sup>Link</sup>, a national database of address changes that is compiled by the USPS.

8. A.B. Data established a mailing address, specifically Cell-Tek Class Action Settlement, Settlement Administrator, c/o A.B. Data, Ltd., Post Office Box 170500, Milwaukee, WI 53217-8042, to receive Claim Forms, exclusion requests, objections, Class Member correspondence, and Notice Packets returned to A.B. Data by the USPS as undeliverable as addressed (UAA).

9. On or about March 30, 2011, A.B. Data caused the Notice Packets to be printed in preparation for mailing. As part of the printing process, each Claim Form was personalized to include the potential Class Member’s organization name, contact person name, address, and fax number as identified on the Class List.

10. On April 6, 2011, A.B. Data caused the Notice Packets to be mailed to the 75,205 potential Class Members from the Class List via the USPS by First-Class Mail, postage prepaid.

11. As of July 29, 2011, 26,965 Notice Packets were returned by the USPS to A.B. Data as UAA; of those returned UAA, 249 had forwarding addresses and were promptly re-mailed.<sup>3</sup>

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<sup>3</sup> Because all Class List addresses were checked against the NCOA database and updated accordingly prior to mailing, the records returned as UAA were not checked against the database a second time after being returned.

**FACSIMILE NOTICE**

12. On or about April 22, 2011, A.B. Data formatted the facsimile version of the Notice Packet (the “Facsimile Notice”). A copy of the Facsimile Notice is attached as Exhibit C.

13. On April 27, 2011, A.B. Data caused the Facsimile Notice to be sent via facsimile transmission to the 75,205 potential Class Members from the Class List. As part of the transmission process, each Claim Form was personalized to include the potential Class Member’s organization name, contact person name, address, and fax number as identified on the Class List.

**WEBSITE DESIGN, PUBLISHING, AND MAINTENANCE**

14. On or about April 5, 2011, A.B. Data established the case-specific website for this Action, [celltekjunkfaxsettlement.com](http://celltekjunkfaxsettlement.com) (the “Website”), in addition to a webpage on its website, [abdataclassaction.com](http://abdataclassaction.com). The Website and webpage provide general information about the Action, allow potential Class Members to request a Notice Packet, and allow visitors to download the Notice and Stipulation.

15. As of July 29, 2011, the following information relating to Website and webpage activity was recorded:

- a. A total of 3,050 hits have been recorded at the Website;
- b. The Notice was downloaded 1,166 times; and
- c. The Stipulation was downloaded 578 times.

16. The Website and webpage also allow visitors to submit address change requests, written inquiries, and Claim Forms to [info@celltekjunkfaxsettlement.com](mailto:info@celltekjunkfaxsettlement.com). As of July 29, 2011, a total of 794 emails have been received.

**CASE-SPECIFIC TOLL-FREE HELPLINE**

17. On or about April 5, 2011, a case-specific toll-free number, 800-331-8642, was established with an IVR system and live operators. The automated attendant answered the calls and

presented callers with a series of choices to respond to basic questions. If callers needed further assistance, they had the option to be transferred to a live operator during business hours.

18. As of July 29, 2011, A.B. Data received 649 telephone calls and 28 voicemail messages.

All messages were returned within two business days.

### **EXCLUSION REQUESTS AND OBJECTIONS**

19. Exclusion requests were to be postmarked no later than July 1, 2011. As of July 29, 2011, A.B. Data has received 11 timely exclusion requests. Attached as Exhibit D is a list identifying the individuals who submitted these requests for exclusion. Attached as Exhibit E are the original requests for exclusion.

20. Class Members who object to the approval of the proposed Settlement were to file their written objections with the Court and forward a copy of the objection to A.B. Data postmarked by July 1, 2011. As of August 1, 2011, A.B. Data has received no Class Member objections.

### **CLAIM FORM PROCESSING**

21. Pursuant to the Order, the claims filing deadline was July 1, 2011. Claim Forms were to be mailed to the address outlined in the Notice Packet postmarked no later than July 1, 2011; faxed to the fax number outlined in the Notice Packet no later than midnight, U.S. Eastern Time on July 1, 2011; or forwarded via email to the email address outlined in the Notice Packet no later than midnight, U.S. Eastern Time on July 1, 2011.

22. As of July 29, 2011, A.B. Data has received 12,736 Claim Forms, of which 1,218 were duplicate Claim Forms. Therefore, the total number of valid claims as of July 29, 2011, is 11,518.

23. The present number of Claim Forms received represents a response rate of approximately 15%. This is a high response rate relative to similar previous class actions, which have yielded an approximate 5% response rate.

24. Based on the number of Claim Forms currently received, the presently estimated *pro rata* settlement award distribution per Claim Form is calculated to be approximately \$85.10.<sup>4</sup>

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 1st day of August 2011.

/s/ Anya Verkhovskaya

Anya Verkhovskaya  
Chief Operating Officer and Senior Executive Vice President  
A.B. Data  
600 A.B. Data Drive  
Milwaukee, WI 53217

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<sup>4</sup> This calculation presumes a service award to Plaintiff Milford & Ford in the amount of \$15,000, payment of a service award to Plaintiff D. Michael Collins in the amount of \$3,000, payment of all costs and expenses of notice and administration of the settlement in the amount of \$201,727.60, and payment of attorneys' fees to Class Counsel in the amount of \$600,000.

# Exhibit A

A.B. DATA, LTD.  
Class Action Administration



March 25, 2011

«Institution\_Name»  
«ATTNDepartmentBuilding»  
«Address\_1»  
«Address\_2»  
«City», «State»«Zip»

Re: Milford & Ford Associates, Inc. and D. Michael Collins v. Cell-Tek, L.L.C., et. al.  
United States District Court, District of Massachusetts, Case No: C-09-145917 CN

Dear Sir or Madam:

A.B. Data, Ltd., class action administrator, on behalf of Milford & Ford Associates, Inc., and D. Michael Collins, the Class Plaintiffs in the above-referenced action, hereby provides the following notice pursuant to Section 1715 of the Class Action Fairness Act (28 U.S.C. § 1715). The following are the items of information called for in Section 1715(b).

1. A copy of the Complaint and the Amended Complaint are included electronically on the enclosed disc.
2. The Final Approval Hearing is currently scheduled for August 16, 2011, at 3:30 p.m., before the Honorable Douglas P. Woodlock, in the United States District Court for the District of Massachusetts, One Courthouse Way, Boston, Massachusetts 02210.
3. The Court-approved Notice is enclosed as Exhibit B to the Stipulation of Class Action Settlement (the “Stipulation”).
4. The Stipulation in this matter is included electronically on the enclosed disc.
5. There is no other agreement contemporaneously made between class counsel and counsel for the defendants.
6. The Court’s opinion preliminarily approving the Stipulation is enclosed.
7. Because it is not feasible to include the names of all class members who reside in each state, enclosed is a reasonable estimate of the number of class members residing in each state and the estimated proportionate share of their claims.

Sincerely,

A.B. Data, Ltd.  
Class Action Administrator on  
Behalf of Plaintiff

Enclosures

# Exhibit B

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

MILFORD & FORD ASSOCIATES, INC.,  
and D. MICHAEL COLLINS,

Class Action Plaintiffs

v.

CELL-TEK, LLC,

Defendant and Third-Party Plaintiff

v.

ERIE INSURANCE EXCHANGE, L. STEIN  
CO. INC. d/b/a FAXVANTAGE, LEONARD  
(LENNY) STEIN, individually, and  
UNIXUSA, LLC

Third Party Defendants.

C.A. NO. 1:09-CV-11261-DPW

**THIS NOTICE CONCERNSS SETTLEMENT OF A CLASS ACTION WHICH MAY ENTITLE  
YOU TO RECEIVE A PAYMENT FROM SETTLEMENT FUND**

*By order of the Honorable Douglas P. Woodlock, Judge of the  
United States District Court  
for the District of Massachusetts*

**WHY AM I GETTING THIS NOTICE?**

Records obtained in this case indicate that in November of 2007, an unsolicited facsimile advertisement was transmitted to you, or your company, by a company identified as "Cell-Tek," in alleged violation of the federal Telephone Consumer Protection Act (TCPA). If you, or your company, used the facsimile number listed on the first page of the enclosed Claim Form, in November of 2007, you may be entitled to a recovery of up to \$500. To file a claim you need only fill out the enclosed Claim Form and mail, fax or e-mail it back to the identified Settlement Administrator. The deadline to file a claim by mailing back the Claim Form is **July 1, 2011**.

**THIS IS NOT NOTICE OF A LAWSUIT AGAINST YOU.**

The purpose of this Notice is to advise you of a proposed settlement of a class action lawsuit against Cell-Tek, LLC in the United States District Court for the District of Massachusetts. This Notice describes the case in general and does not address all of the issues in detail. You may review the case file at the office of the Clerk of the Court of the United States District Court for the District of Massachusetts, One Courthouse Way, Boston, Massachusetts 02210. You may inspect the file and copy it at your expense, you may contact the Settlement Administrator at the toll-free telephone number 1-800-331-8642, or you may view and download a copy of the Stipulation of Class Action Settlement at [CellTekJunkFaxSettlement.com](http://CellTekJunkFaxSettlement.com).

## **WHAT IS THIS LAWSUIT ABOUT?**

The lawsuit alleges that Cell-Tek violated the federal Telephone Consumer Protection Act, 47 U.S.C. §227 (“TCPA”), by sending out an unsolicited facsimile advertisement offering its goods or services in November 2007. The case seeks damages for class members consisting of those to whom the fax was allegedly transmitted. Cell-Tek denies that it violated any laws or that it did anything wrong. Cell-Tek has agreed to the settlement solely to avoid the burden, expense, risk and uncertainty of continuing the lawsuit. The Court has preliminarily certified this matter as a class action for settlement and has ordered that Class members be notified of the proposed settlement. Cell-Tek’s records reflect that you may be a Class member. The Class consists of:

All persons or entities within the United States to whom Cell-Tek, in or about November of 2007, sent or caused to be sent the facsimile advertisement identical in substance to the Cell-Tek Fax attached to the Class Complaint.

## **WHY IS THIS A CLASS ACTION?**

In a class action, one or more people or entities, called “class representatives” (in this case, Milford & Ford Associates, Inc. and D. Michael Collins), sue on behalf of people who have similar claims. All of these people together are a “class” or “class members.” The settlement, if approved by the Court, resolves the issues for all members of the Class (the “Settlement Class Members”), but not for those who act to exclude themselves from the Class in the manner further described below.

## **WHY IS THERE A SETTLEMENT?**

The Court did not decide in favor of Plaintiffs, the Settlement Class or Defendant Cell-Tek. Instead, the parties have agreed to a settlement. This avoids the cost, risk, and delay of further litigation. Under the settlement, Settlement Class Members will have the opportunity to obtain a payment in exchange for giving up certain legal rights. The Class Representatives and the attorneys think the Settlement is in the best interests of all Settlement Class Members.

## **WHAT DOES THE SETTLEMENT PROVIDE?**

The total amount of the Settlement Fund is \$1,800,000. The lawyers who brought this lawsuit (listed on the following page and referred to as “Class Counsel”) will ask the Court to award them one-third of the Settlement Fund and actual costs, for the substantial time and effort they put into this case over the past few years. Class Representative, Milford & Ford, will apply to the Court for payment of \$15,000 in recognition of its service to the Settlement Class. Class Representative D. Michael Collins will request \$3,000 for his services. Any amount awarded will be paid from the Settlement Fund. The Settlement Fund will also cover costs associated with notice and administration of the settlement. These costs include the cost of mailing this Notice, as well as, the costs of administering the Settlement Fund. Attorneys’ fees, service payments, and the expenses of notice and administration will be deducted from the Settlement Fund before the balance is divided and distributed to members of the Settlement Class.

## **HOW MUCH WILL I BE PAID?**

If the Court approves the settlement, every Settlement Class Member who submits a timely and valid Claim Form will be entitled to an equal payment from the Settlement Fund. The amount of your payment will depend on how many Settlement Class Members return Claim Forms. The maximum amount you will receive is \$500.

## **HOW CAN I GET A PAYMENT?**

To qualify for a payment, you must send in a complete and timely Claim Form. A Claim Form is enclosed with this Notice. You also may obtain a Claim Form at [CellTekJunkFaxSettlement.com](http://CellTekJunkFaxSettlement.com).

Please complete the Claim Form, sign it, and mail it to the address listed on the Claim Form postmarked no later than **July 1, 2011**. You also may fax the Claim Form to the Settlement Administrator at 1-414-961-7427, or e-mail the Claim Form to the Settlement Administrator at [info@CellTekJunkFaxSettlement.com](mailto:info@CellTekJunkFaxSettlement.com). If you fax or e-mail the Claim Form, you must do so no later than midnight, U.S. Eastern Standard Time on **July 1, 2011**. If you do not return the Claim Form or if you return it late, you will not get a payment.

### **WHEN WILL I BE PAID?**

If the Court approves the settlement, you will be paid as soon as possible after the court order becomes final. If there is an appeal of the settlement, payment may be delayed. The Settlement Administrator will provide information and updates about the timing of payment, as this information becomes available, at [CellTekJunkFaxSettlement.com](http://CellTekJunkFaxSettlement.com).

### **WHO REPRESENTS THE SETTLEMENT CLASS?**

The attorneys who have been appointed by the Court to represent the Settlement Class are:

Edward A. Broderick, Esq. <b>THE LAW OFFICE OF EDWARD A. BRODERICK</b> 727 Atlantic Avenue, Second floor Boston, MA 02111	Matthew P. McCue, Esq. <b>THE LAW OFFICE OF MATTHEW P. MCCUE</b> 340 Union Avenue Framingham, MA 01702
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### **WHAT ARE MY OPTIONS?**

Your choices are to:

(1) **Accept the settlement.** To accept the settlement, send in a complete and timely Claim Form. A Claim Form is enclosed with this Notice. You also may obtain a Claim Form at [CellTekJunkFaxSettlement.com](http://CellTekJunkFaxSettlement.com). If the settlement is approved, a check will be mailed to you. If you change your address, or your address has changed from the address to which this notice was sent, please inform the Settlement Administrator at the address below; OR

(2) **Exclude yourself.** You may “opt out” and exclude yourself from the settlement. If you opt out, you will not receive any cash payment, and you will not release any claims you may have against Cell-Tek. If you opt out, you will be free to pursue whatever legal rights you may have by pursuing your own lawsuit against Cell-Tek at your own risk and expense. To opt out from the settlement, you must mail a signed letter to the Settlement Administrator (address on the following page) postmarked by **July 1, 2011**, stating your name, address and telephone number, the name and case number of the case, and that you have made the decision to exclude yourself from the settlement; OR

(3) **Object to the settlement.** If you object to the settlement, submit your objection in writing to the Clerk of the Court of the United States District Court for the District of Massachusetts, One Courthouse Way, Boston, MA 02210, postmarked by **July 1, 2011**, stating your objection in *Milford & Ford Associates, Inc. and D. Michael Collins v. Cell-Tek, LLC*, Civil Action No. 1:09-cv-11261-DPW. You must also send a copy of your objection to the Settlement Administrator at the address on the following page, also by postmarked by **July 1, 2011**. Any objection to the proposed settlement must be a complete written statement of all grounds for the objection, together with factual and legal support for the stated objection. A member of the Settlement Class may appear at the Final Approval Hearing in person or through counsel to show cause why the proposed settlement should not be approved as fair, reasonable, and adequate. Attendance at the hearing is not necessary; however, persons wishing to be heard orally in

opposition to the approval of the settlement and/or the request for attorneys' fees and/or the request for compensation awards to the class representatives are required to indicate in their written objection their intention to appear at the hearing, and must offer a complete statement of grounds for the objection, together with all factual and legal authority for the stated objection, and state the identity of any witnesses they may call to testify and exhibits they intend to introduce into evidence at the Final Approval Hearing. Objections must also state the name, address, telephone number and signature of the objector.

**WHAT RIGHTS AM I GIVING UP IN THIS SETTLEMENT?**

If the Court gives final approval to the Settlement, Members of the Settlement Class will be deemed to have released their rights to sue or continue a lawsuit against Cell-Tek and others related to past fax transmissions by or on behalf of Cell-Tek that allegedly violate state or federal law. Giving up your legal claims is called a release.

**WHEN WILL THE COURT DECIDE WHETHER TO APPROVE THE SETTLEMENT?**

The Court will hold a Final Approval Hearing (the "Hearing") at 3:30 p.m. on August 16, 2011. The Hearing will be held at the United States District Court for the District of Massachusetts, One Courthouse Way, Boston, Massachusetts 02210. At the Hearing, the Court will consider whether the proposed settlement is fair, reasonable, and adequate. The Court will hear objections to the settlement, if any. At the Hearing, the Court will also decide how much to pay Class Counsel. After the Hearing, the Court will decide whether to approve the Settlement. It is not known how long the Court will take to make its decision. In addition, the Hearing may be continued at any time by the Court without further notice to you. If the Court does not approve the settlement, or if it approves the settlement and the approval is reversed on appeal, or if the settlement does not become final for some other reason, you will not be paid at this time and the case will continue. The parties may negotiate a different settlement or the case may go to trial.

**DO NOT ADDRESS QUESTIONS ABOUT THE SETTLEMENT OR THE LAWSUIT TO THE CLERK OF THE COURT OR TO THE JUDGE. INSTEAD, PLEASE DIRECT QUESTIONS TO:**

**CELL-TEK CLASS ACTION SETTLEMENT  
SETTLEMENT ADMINISTRATOR  
c/o A.B. DATA, LTD.  
POST OFFICE BOX 170500  
MILWAUKEE, WI 53217-8042**

**Toll-Free 1-800-331-8642**

DATED: MARCH 16, 2011

**CLAIM FORM**

*Milford & Ford Associates, Inc. and  
D. Michael Collins v. Cell-Tek, LLC,  
Civil Action No. 1:09-cv-11261-DPW*

<NOTICE ID NUMBER>  
<NOTICE ID BARCODE>  
<ORGANIZATION>  
<FIRST NAME > <LAST NAME>, <TITLE>  
<STREET>  
<CITY> <STATE> <ZIP >

Fax Number: <FAX >



For Official Use Only

**PROOF OF CLAIM FOR RECIPIENTS OF FAX ADVERTISEMENTS**

You have received Notice of Settlement of Class Action because phone records obtained during the course of litigation indicate that the facsimile number indicated above, may have been used by you or your company in November of 2007, and that the fax number was used to transmit to you or your company an unsolicited facsimile advertisement from a business identified as "Cell-Tek," in alleged violation of the federal Telephone Consumer Protection Act. As a result, you or your company may be entitled to receive a settlement payment of up to \$500. To receive a payment from the Settlement Fund, you must complete and return this Claim Form.

Please complete the Claim Form, including all information on the reverse of this page, sign it, and return it by one of the following methods:

1. By mail to the Settlement Administrator, postmarked no later than **July 1, 2011**, at the following address:

**CELL-TEK CLASS ACTION SETTLEMENT  
SETTLEMENT ADMINISTRATOR**  
**c/o A.B. DATA, LTD.**  
**POST OFFICE BOX 170500**  
**MILWAUKEE, WI 53217**

2. By fax to the Settlement Administrator at 1-414-961-7427 no later than midnight, U.S. Eastern Standard Time, on **July 1, 2011**.
3. By e-mail to the Settlement Administrator at [info@CellTekJunkFaxSettlement.com](mailto:info@CellTekJunkFaxSettlement.com) no later than midnight, U.S. Eastern Standard Time, on **July 1, 2011**. If you use e-mail, you must send the Claim Form in a format that includes a legible signature.

**PLEASE PROVIDE THE FOLLOWING INFORMATION FOR THE CLAIMANT:**

**LAST NAME OR NAME OF COMPANY:**

**FIRST NAME:**

**STREET ADDRESS:**

**CITY:**

**STATE:**

**ZIP CODE:**

**PHONE NUMBER (at which we may reach you if we have questions):**

**Did you or your company use the fax number listed in the top-right corner on the first page of this Claim Form on or around November 2007?**

YES \_\_\_\_\_ NO \_\_\_\_\_

Claimant's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**IF YOU HAVE ANY QUESTIONS CONCERNING THIS CLAIM FORM, YOU MAY CALL FOR ASSISTANCE AT 1-800-331-8642.**

**CELL-TEK CLASS ACTION SETTLEMENT  
SETTLEMENT ADMINISTRATOR  
c/o A.B. DATA, LTD.  
POST OFFICE BOX 170500  
MILWAUKEE, WI 53217-8042**

# Exhibit C

**CLAIM FORM**

*Milford & Ford Associates, Inc. and  
D. Michael Collins v. Cell-Tek, LLC,  
Civil Action No. 1:09-cv-11261-DPW*

#NOTICEIDNUMBER#

#ORGANIZATION#

#FIRSTNAME# #LASTNAME#, #TITLE#

#STREET#

#CITY# #STATE# #ZIP#

Fax Number: #FAX#

For Official Use Only

**IMPORTANT NOTE: ALL CLASS MEMBERS ARE TO RECEIVE DIRECT MAIL NOTICE AND FAX NOTICE PER THE COURT'S PRELIMINARY APPROVAL ORDER. IF YOU HAVE ALREADY SUBMITTED A CLAIM FORM IN THIS MATTER, IT IS NOT NECESSARY TO SUBMIT ANOTHER. YOU MAY CALL THE SETTLEMENT ADMINISTRATOR AT 1-800-331-8642 WITH ANY QUESTIONS.**

**PROOF OF CLAIM FOR RECIPIENTS OF FAX ADVERTISEMENTS**

You have received Notice of Settlement of Class Action because phone records obtained during the course of litigation indicate that the facsimile number indicated above, may have been used by you or your company in November of 2007, and that the fax number was used to transmit to you or your company an unsolicited facsimile advertisement from a business identified as "Cell-Tek," in alleged violation of the federal Telephone Consumer Protection Act. As a result, you or your company may be entitled to receive a settlement payment of up to \$500. To receive a payment from the Settlement Fund, you must complete and return this Claim Form.

Please complete the Claim Form, including all information on the reverse of this page, sign it, and return it by one of the following methods:

1. By mail to the Settlement Administrator, postmarked no later than **July 1, 2011**, at the following address:

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SETTLEMENT ADMINISTRATOR  
c/o A.B. DATA, LTD.  
POST OFFICE BOX 170500  
MILWAUKEE, WI 53217**

2. By fax to the Settlement Administrator at 1-414-961-7427 no later than midnight, U.S. Eastern Standard Time, on **July 1, 2011**.
3. By e-mail to the Settlement Administrator at [info@CellTekJunkFaxSettlement.com](mailto:info@CellTekJunkFaxSettlement.com) no later than midnight, U.S. Eastern Standard Time, on **July 1, 2011**. If you use e-mail, you must send the Claim Form in a format that includes a legible signature.

**PLEASE PROVIDE THE FOLLOWING INFORMATION FOR THE CLAIMANT:**

**LAST NAME OR NAME OF COMPANY:**

**FIRST NAME:**

**STREET ADDRESS:**

**CITY:**

**STATE:**

**ZIP CODE:**

**PHONE NUMBER (at which we may reach you if we have questions):**

**Did you or your company use the fax number listed in the top-right corner on the first page of this Claim Form on or around November 2007?**

YES \_\_\_\_\_ NO \_\_\_\_\_

Claimant's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**IF YOU HAVE ANY QUESTIONS CONCERNING THIS CLAIM FORM, YOU MAY CALL FOR ASSISTANCE AT 1-800-331-8642.**

**CELL-TEK CLASS ACTION SETTLEMENT  
SETTLEMENT ADMINISTRATOR  
c/o A.B. DATA, LTD.  
POST OFFICE BOX 170500  
MILWAUKEE, WI 53217-8042**

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

MILFORD & FORD ASSOCIATES, INC.,  
and D. MICHAEL COLLINS,

Class Action Plaintiffs

v.

CELL-TEK, LLC,

Defendant and Third-Party Plaintiff

v.

ERIE INSURANCE EXCHANGE, L. STEIN  
CO. INC. d/b/a FAXVANTAGE, LEONARD  
(LENNY) STEIN, individually, and  
UNIXUSA, LLC

Third Party Defendants.

C.A. NO. 1:09-CV-11261-DPW

**THIS NOTICE CONCERNS SETTLEMENT OF A CLASS ACTION WHICH MAY ENTITLE  
YOU TO RECEIVE A PAYMENT FROM SETTLEMENT FUND**

*By order of the Honorable Douglas P. Woodlock, Judge of the  
United States District Court  
for the District of Massachusetts*

**WHY AM I GETTING THIS NOTICE?**

Records obtained in this case indicate that in November of 2007, an unsolicited facsimile advertisement was transmitted to you, or your company, by a company identified as "Cell-Tek," in alleged violation of the federal Telephone Consumer Protection Act (TCPA). If you, or your company, used the facsimile number listed on the first page of the enclosed Claim Form, in November of 2007, you may be entitled to a recovery of up to \$500. To file a claim you need only fill out the enclosed Claim Form and mail, fax or e-mail it back to the identified Settlement Administrator. The deadline to file a claim by mailing back the Claim Form is **July 1, 2011**.

**THIS IS NOT NOTICE OF A LAWSUIT AGAINST YOU.**

The purpose of this Notice is to advise you of a proposed settlement of a class action lawsuit against Cell-Tek, LLC in the United States District Court for the District of Massachusetts. This Notice describes the case in general and does not address all of the issues in detail. You may review the case file at the office of the Clerk of the Court of the United States District Court for the District of Massachusetts, One Courthouse Way, Boston, Massachusetts 02210. You may inspect the file and copy it at your expense, you may contact the Settlement Administrator at the toll-free telephone number 1-800-331-8642, or you may view and download a copy of the Stipulation of Class Action Settlement at [CellTekJunkFaxSettlement.com](http://CellTekJunkFaxSettlement.com).

## **WHAT IS THIS LAWSUIT ABOUT?**

The lawsuit alleges that Cell-Tek violated the federal Telephone Consumer Protection Act, 47 U.S.C. §227 (“TCPA”), by sending out an unsolicited facsimile advertisement offering its goods or services in November 2007. The case seeks damages for class members consisting of those to whom the fax was allegedly transmitted. Cell-Tek denies that it violated any laws or that it did anything wrong. Cell-Tek has agreed to the settlement solely to avoid the burden, expense, risk and uncertainty of continuing the lawsuit. The Court has preliminarily certified this matter as a class action for settlement and has ordered that Class members be notified of the proposed settlement. Cell-Tek’s records reflect that you may be a Class member. The Class consists of:

All persons or entities within the United States to whom Cell-Tek, in or about November of 2007, sent or caused to be sent the facsimile advertisement identical in substance to the Cell-Tek Fax attached to the Class Complaint.

## **WHY IS THIS A CLASS ACTION?**

In a class action, one or more people or entities, called “class representatives” (in this case, Milford & Ford Associates, Inc. and D. Michael Collins), sue on behalf of people who have similar claims. All of these people together are a “class” or “class members.” The settlement, if approved by the Court, resolves the issues for all members of the Class (the “Settlement Class Members”), but not for those who act to exclude themselves from the Class in the manner further described below.

## **WHY IS THERE A SETTLEMENT?**

The Court did not decide in favor of Plaintiffs, the Settlement Class or Defendant Cell-Tek. Instead, the parties have agreed to a settlement. This avoids the cost, risk, and delay of further litigation. Under the settlement, Settlement Class Members will have the opportunity to obtain a payment in exchange for giving up certain legal rights. The Class Representatives and the attorneys think the Settlement is in the best interests of all Settlement Class Members.

## **WHAT DOES THE SETTLEMENT PROVIDE?**

The total amount of the Settlement Fund is \$1,800,000. The lawyers who brought this lawsuit (listed on the following page and referred to as “Class Counsel”) will ask the Court to award them one-third of the Settlement Fund and actual costs, for the substantial time and effort they put into this case over the past few years. Class Representative, Milford & Ford, will apply to the Court for payment of \$15,000 in recognition of its service to the Settlement Class. Class Representative D. Michael Collins will request \$3,000 for his services. Any amount awarded will be paid from the Settlement Fund. The Settlement Fund will also cover costs associated with notice and administration of the settlement. These costs include the cost of mailing this Notice, as well as, the costs of administering the Settlement Fund. Attorneys’ fees, service payments, and the expenses of notice and administration will be deducted from the Settlement Fund before the balance is divided and distributed to members of the Settlement Class.

## **HOW MUCH WILL I BE PAID?**

If the Court approves the settlement, every Settlement Class Member who submits a timely and valid Claim Form will be entitled to an equal payment from the Settlement Fund. The amount of your payment will depend on how many Settlement Class Members return Claim Forms. The maximum amount you will receive is \$500.

## **HOW CAN I GET A PAYMENT?**

To qualify for a payment, you must send in a complete and timely Claim Form. A Claim Form is enclosed with this Notice. You also may obtain a Claim Form at [CellTekJunkFaxSettlement.com](http://CellTekJunkFaxSettlement.com).

Please complete the Claim Form, sign it, and mail it to the address listed on the Claim Form postmarked no later than **July 1, 2011**. You also may fax the Claim Form to the Settlement Administrator at 1-414-961-7427, or e-mail the Claim Form to the Settlement Administrator at [info@CellTekJunkFaxSettlement.com](mailto:info@CellTekJunkFaxSettlement.com). If you fax or e-mail the Claim Form, you must do so no later than midnight, U.S. Eastern Standard Time on **July 1, 2011**. If you do not return the Claim Form or if you return it late, you will not get a payment.

### **WHEN WILL I BE PAID?**

If the Court approves the settlement, you will be paid as soon as possible after the court order becomes final. If there is an appeal of the settlement, payment may be delayed. The Settlement Administrator will provide information and updates about the timing of payment, as this information becomes available, at [CellTekJunkFaxSettlement.com](http://CellTekJunkFaxSettlement.com).

### **WHO REPRESENTS THE SETTLEMENT CLASS?**

The attorneys who have been appointed by the Court to represent the Settlement Class are:

Edward A. Broderick, Esq. <b>BRODERICK LAW, P.C.</b> 727 Atlantic Avenue, Second floor Boston, MA 02111	Matthew P. McCue, Esq. <b>THE LAW OFFICE OF MATTHEW P. MCCUE</b> 340 Union Avenue Framingham, MA 01702
--	---

### **WHAT ARE MY OPTIONS?**

Your choices are to:

(1) **Accept the settlement.** To accept the settlement, send in a complete and timely Claim Form. A Claim Form is enclosed with this Notice. You also may obtain a Claim Form at [CellTekJunkFaxSettlement.com](http://CellTekJunkFaxSettlement.com). If the settlement is approved, a check will be mailed to you. If you change your address, or your address has changed from the address to which this notice was sent, please inform the Settlement Administrator at the address below; OR

(2) **Exclude yourself.** You may “opt out” and exclude yourself from the settlement. If you opt out, you will not receive any cash payment, and you will not release any claims you may have against Cell-Tek. If you opt out, you will be free to pursue whatever legal rights you may have by pursuing your own lawsuit against Cell-Tek at your own risk and expense. To opt out from the settlement, you must mail a signed letter to the Settlement Administrator (address on the following page) postmarked by **July 1, 2011**, stating your name, address and telephone number, the name and case number of the case, and that you have made the decision to exclude yourself from the settlement; OR

(3) **Object to the settlement.** If you object to the settlement, submit your objection in writing to the Clerk of the Court of the United States District Court for the District of Massachusetts, One Courthouse Way, Boston, MA 02210, postmarked by **July 1, 2011**, stating your objection in *Milford & Ford Associates, Inc. and D. Michael Collins v. Cell-Tek, LLC*, Civil Action No. 1:09-cv-11261-DPW. You must also send a copy of your objection to the Settlement Administrator at the address on the following page, also by postmarked by **July 1, 2011**. Any objection to the proposed settlement must be a complete written statement of all grounds for the objection, together with factual and legal support for the stated objection. A member of the Settlement Class may appear at the Final Approval Hearing in person or through counsel to show cause why the proposed settlement should not be approved as fair, reasonable, and adequate. Attendance at the hearing is not necessary; however, persons wishing to be heard orally in

opposition to the approval of the settlement and/or the request for attorneys' fees and/or the request for compensation awards to the class representatives are required to indicate in their written objection their intention to appear at the hearing, and must offer a complete statement of grounds for the objection, together with all factual and legal authority for the stated objection, and state the identity of any witnesses they may call to testify and exhibits they intend to introduce into evidence at the Final Approval Hearing. Objections must also state the name, address, telephone number and signature of the objector.

**WHAT RIGHTS AM I GIVING UP IN THIS SETTLEMENT?**

If the Court gives final approval to the Settlement, Members of the Settlement Class will be deemed to have released their rights to sue or continue a lawsuit against Cell-Tek and others related to past fax transmissions by or on behalf of Cell-Tek that allegedly violate state or federal law. Giving up your legal claims is called a release.

**WHEN WILL THE COURT DECIDE WHETHER TO APPROVE THE SETTLEMENT?**

The Court will hold a Final Approval Hearing (the "Hearing") at 3:30 p.m. on August 16, 2011. The Hearing will be held at the United States District Court for the District of Massachusetts, One Courthouse Way, Boston, Massachusetts 02210. At the Hearing, the Court will consider whether the proposed settlement is fair, reasonable, and adequate. The Court will hear objections to the settlement, if any. At the Hearing, the Court will also decide how much to pay Class Counsel. After the Hearing, the Court will decide whether to approve the Settlement. It is not known how long the Court will take to make its decision. In addition, the Hearing may be continued at any time by the Court without further notice to you. If the Court does not approve the settlement, or if it approves the settlement and the approval is reversed on appeal, or if the settlement does not become final for some other reason, you will not be paid at this time and the case will continue. The parties may negotiate a different settlement or the case may go to trial.

**DO NOT ADDRESS QUESTIONS ABOUT THE SETTLEMENT OR THE LAWSUIT TO THE CLERK OF THE COURT OR TO THE JUDGE. INSTEAD, PLEASE DIRECT QUESTIONS TO:**

**CELL-TEK CLASS ACTION SETTLEMENT  
SETTLEMENT ADMINISTRATOR  
c/o A.B. DATA, LTD.  
POST OFFICE BOX 170500  
MILWAUKEE, WI 53217-8042**

**Toll-Free 1-800-331-8642**

DATED: MARCH 16, 2011

# Exhibit D

**Milford v. Cell-Tek**

Name:	Fax Number:	Postmark Date:
1) D-Star Engineering Corporation	203-925-7631	4/12/2011
2) McLean Engineering Company, Inc.	229-985-2248	5/6/2011
3) Lancaster Level-Flo, Inc.	717-653-9806	4/13/2011
4) Maryland State Highway Administration		5/4/2011
5) Clearwater Plumbing Inc	770-443-7249	5/5/2011
6) Sun-Tastic Decks, Inc.	703-266-2116	4/28/2011
7) Pickering, Corts & Summerson, Inc.	215-968-3649	4/28/2011
8) Brian M Gaff	(781) 581-9134	6/25/2011
9) Rinker Design Assoc	703-257-5443	6/27/2011
10) Clean-Rite Services	910-592-4043	7/5/2011
11) Marietta Gravity Water Company	717-426-7031	7/2/2011

# Exhibit E



## D-STAR Engineering Corporation

Research, Design and Development Services; Automotive, Aerospace and Propulsion Systems.

4 Armstrong Rd  
Shelton, CT 06484 U.S.A

Phone: (203)925-7630  
Fax: (203)925-7631

Cell-Tek - 45707

**8638085**



April 12, 2011

D-Star Engineering Corporation

4 Armstrong Rd

Shelton, CT 06484

Subject: Letter of Exclusion from Cell-Tek Class Action Settlement

**APR 15 2011**

To whom it may concern:

This letter is to confirm that D-STAR Engineering Corporation do not wish to participate in Cell-Tek class action settlement, C.A. No. 1:09-cv-11261-DPW, and do not wish to share in the Settlement Fund, or the benefits of any judgment or settlement that may be obtained in the future in this litigation.



Karla Fleming  
Accounts Manager

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D-STAR ENGINEERING CORPORATION

4 Armstrong Road  
Shelton, CT 06484 U.S.A.

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Cell-Tek Class Action Settlement  
Settlement Administrator  
c/o A.B. Data, LTD  
P.O. Box 170500  
Milwaukee, WI 53217-8042

APR 15 2011

53217+8042

# MCLEAN ENGINEERING CO., INC.

P.O. BOX 2587, 815 SOUTH MAIN, MOULTRIE, GA 31776/31768, (229) 985-1148

**Cell-Tek - 45707**

**8638086**



April 12, 2011

Cell-Tek Class Action Settlement  
Settlement Administrator  
c/o A.B.Data, LTD.  
PO Box 170500  
Milwaukee, WI 53217

**MAY 06 2011**

**Reference:** Milford & Ford Associates, Inc. and  
D. Michael Collins v. Cell-Tek, LLC,  
Civil Action No. 1:09-cv-11261-DPW

**McLean Engineering Company, Inc.**  
**Fax No. 229-985-2248**  
**Telephone No. 229-985-1148**

Dear Administrator:

In regards to the above referenced claim, we have made the decision to exclude ourselves from the settlement.

If there are any questions, please call.

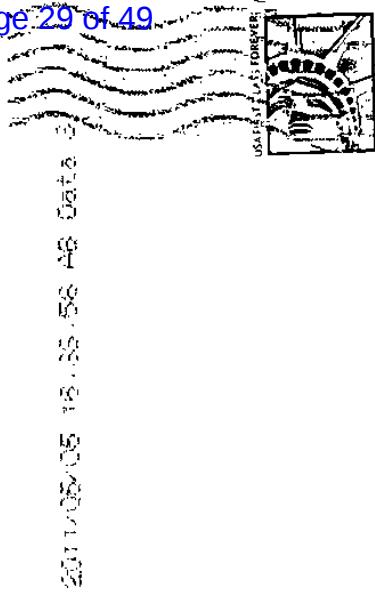
Yours truly,

McLean Engineering Company, Inc.

Michael J. McLean, PE. President

ec

**MCLEAN ENGINEERING CO., INC.** APR 2012 FWD 2 T  
EIGHT FIFTEEN SOUTH MAIN / MOULTRIE, GEORGIA 31768



APR 22 2011

**Cell-Tek Class Action Settlement  
Settlement Administrator  
c/o A.B.Data, LTD.  
PO Box 170500  
Milwaukee, WI 53217**

8321748042

[View all posts by \*\*John Doe\*\*](#) [View all posts in \*\*Category A\*\*](#) [View all posts in \*\*Category B\*\*](#)



Lancaster Level-Flo, Inc.  
25 Eby Chiques Road  
Mount Joy, PA 17552  
(717) 653-2239  
Fax (717) 653-9806

Cell-Tek - 45707

8638087



Website: [www.lancasterlevel-flo.com](http://www.lancasterlevel-flo.com)  
[www.lancasterdomes.com](http://www.lancasterdomes.com)  
E-mail: [info@lancasterlevel-flo.com](mailto:info@lancasterlevel-flo.com)

April 12, 2011

Cell-Tek Class Action Settlement  
Settlement Administrator  
c/o A. B. Data, LTD.  
P. O. Box 170500  
Milwaukee, WI 53217-8042

RE: C. A. NO. 1:09-CV-11261-DPW

**MAY 06 2011**

To Whom It May Concern:

In response to your notice dated March 16, 2011 referencing a class action against Cell-Tek, LLC, I have made the decision to exclude Lancaster Level-Flo, Inc. from this settlement.

Sincerely,

Kenneth D. Musser  
President



25 Eby Chiques Road  
Mount Joy, PA 17552 USA

APR 22 2011



Cell-Tek Class Action Settlement  
Settlement Administrator  
c/o A.B. Data, LTD  
PO Box 170500  
Milwaukee, WI 53217-8042

53217-8042 B050



Martin O'Malley, Governor  
Anthony G. Brown, Lt. Governor

Beverley K. Swaim-Staley, Secretary  
Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Cell-Tek - 45707

8638088



April 26, 2001

Cell-Tek Class Action Settlement  
Settlement Administrator  
c/o A.B. Data, LTD  
P.O. Box 170500  
Milwaukee, WI 53217-8042

MAY 06 2011

Re: Opt Out of Settlement

Dear Settlement Administrator;

I have decided to exclude myself from the settlement.

Name: Dave Smith (Manager Highway Maintenance)  
Address: 150 Wyndtryst Dr., Westminster, MD 21157-4305  
Telephone Number: (410) 876-2061

Name and Case Number: Milford & Ford Associates, Inc. and  
D. Michael Collins  
vs.  
Cell-Tek, LLC, et al

In US District Court of Massachusetts  
C.A. NO. 1:09-CV-11261-DPW

Very truly yours,

A handwritten signature in black ink that appears to read "Dave Smith".

Dave Smith

My telephone number/toll-free number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.roads.maryland.gov



MAY 06 2011

from the desk of

MICHAEL P. KENNEY

Assistant Attorney General

410-545-0064

4/26/11

Dave -

Please sign this "opt out"  
letter + put it in the  
envelope to mail to the  
Settlement Administrator.

cc: [redacted] as Date: 3

Any questions, please call me.

MPK



MARYLAND DEPARTMENT  
OF TRANSPORTATION  
P.O. Box 717 Baltimore, Maryland 21203-0717



**Cell-Tek Class Action Settlement  
Settlement Administrator  
c/o A.B. Data, LTD.  
Post Office Box 170500  
Milwaukee, WI 53217-8042**

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8638089



CLEARWATER PLUMBING INC  
209 COMMERCE DRIVE SUITE A  
DALLAS, GEORGIA 30132  
770-443-4860

May 02, 2011

CELL-TEK CLASS ACTION SETTLEMENT  
SETTLEMENT ADMINISTRATION  
C/O A.C. DATE.LTD  
POST OFFICE BOX 170500  
MILWAUKEE, WI 53217-8042

MAY 12 2011

CASE # 1:09 CV-11261-DPW

WE WOULD LIKE TO OPT OUT AND EXLUE OURSELVES FROM THE  
SETTLEMENT

A handwritten signature in black ink, appearing to read "Gene Pace".

GENE PACE  
PRESIDENT

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

MILFORD & FORD ASSOCIATES, INC.,  
and D. MICHAEL COLLINS,

Class Action Plaintiffs

v.

C.A. NO. 1:09-CV-11261-DPW

CELL-TEK, LLC,

Defendant and Third-Party Plaintiff

v.

ERIE INSURANCE EXCHANGE, L. STEIN  
CO. INC. d/b/a FAXVANTAGE, LEONARD  
(LENNY) STEIN, individually, and  
UNIXUSA, LLC

*MAY 12 2011*

Third Party Defendants.

**THIS NOTICE CONCERNS SETTLEMENT OF A CLASS ACTION WHICH MAY ENTITLE  
YOU TO RECEIVE A PAYMENT FROM SETTLEMENT FUND**

*By order of the Honorable Douglas P. Woodlock, Judge of the  
United States District Court  
for the District of Massachusetts*

**WHY AM I GETTING THIS NOTICE?**

Records obtained in this case indicate that in November of 2007, an unsolicited facsimile advertisement was transmitted to you, or your company, by a company identified as "Cell-Tek," in alleged violation of the federal Telephone Consumer Protection Act (TCPA). If you, or your company, used the facsimile number listed on the first page of the enclosed Claim Form, in November of 2007, you may be entitled to a recovery of up to \$500. To file a claim you need only fill out the enclosed Claim Form and mail, fax or e-mail it back to the identified Settlement Administrator. The deadline to file a claim by mailing back the Claim Form is **July 1, 2011**.

**THIS IS NOT NOTICE OF A LAWSUIT AGAINST YOU.**

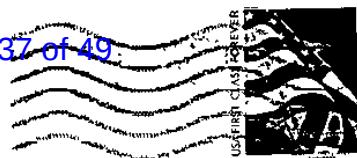
The purpose of this Notice is to advise you of a proposed settlement of a class action lawsuit against Cell-Tek, LLC in the United States District Court for the District of Massachusetts. This Notice describes the case in general and does not address all of the issues in detail. You may review the case file at the office of the Clerk of the Court of the United States District Court for the District of Massachusetts, One Courthouse Way, Boston, Massachusetts 02210. You may inspect the file and copy it at your expense, you may contact the Settlement Administrator at the toll-free telephone number 1-800-331-8642, or you may view and download a copy of the Stipulation of Class Action Settlement at [CellTekJunkFaxSettlement.com](http://CellTekJunkFaxSettlement.com).

CLEARWATER PLUMBING, INC.  
209 Ste A Commerce Dr.  
Dallas, GA 30132  
770-443-4860

Case 1:09-cv-11261-DPW Document 90-2 Filed 08/01/11 Page 37 of 49

NORTH MARIETTA, GA 30060

08 MAY 2011 8PM 1 T



MAY 12 2011

Cell-Tech Class Action Settlement  
Settlement Administrator  
c/o A.B Date LTD  
P.O Box 170500

Milwaukee, WI 53217-8942

632173204



# PICKERING, CORTS & SUMMERSON, INC.

CONSULTING ENGINEERS, LAND SURVEYORS, PLANNERS & LANDSCAPE ARCHITECTS

Cell-Tek ~ 45707

8638090



April 28, 2011

Cell-Tek Class Action Settlement  
Settlement Administrator  
c/o A.B. Data, Ltd.  
PO Box 170500  
Milwaukee, WI 53217

RE: **Milford & Ford Associates, Inc. and  
D. Michael Collins v. Cell-Tek, LLC,  
Civil Action No. 1:09-CV-11261-DPW**

**MAY 02 2011**

Dear Sir:

On behalf of Pickering, Corts & Summerson, Inc., of 642 Newtown-Yardley Road, Suite 300, Newtown, PA 18940, has made the decision to exclude ourselves from the settlement civil action no. 1:09-CV-11261-DPW.

Your attention in this matter is greatly appreciated.

Regards,

**PICKERING, CORTS & SUMMERSON, INC.**

A handwritten signature in black ink, appearing to read "Paul M. Gouza".

Paul M. Gouza,  
Director of Operations

PMG: dl

Cc: John A. Prybella, President  
File

X:\Admin\p.gouza\ltr Cell-Tek CivilAction dtd 4\_28\_11.doc

# PICKERING, CORTS & SUMMERSON, INC.

Consulting Engineers, Land Surveyors, Planners & Landscape Architects  
642 Newtown-Yardley Road • Suite 300 • Newtown, PA 18940

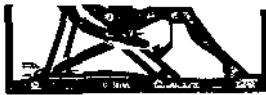


MAY 02 2011

Cell-Tek Class Action Settlement  
Settlement Administrator  
c/o A.B. Data, Ltd.  
PO Box 170500  
Milwaukee, WI 53217

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**8638091**



**Sun-Tastic Decks, Inc.**  
*and other fine home improvements*

April 27, 2011

Cell-Tek Class Action Settlement  
Settlement Administrator  
c/o A.B. Data, Ltd.  
Post Office Box 170500  
Milwaukee, WI 53217

To Whom It May Concern,

This serves as notice that Sun-Tastic Decks, Inc. wants to be excluded from the Cell-Tek LLC Class Action Settlement (Case No. 1:09-CV-11261-DPW).

The office address is 14817 Hickory Post Ct., Centreville, VA 20121 and telephone number is 703-266-1181.

MAY 02 2011

Sincerely,

A handwritten signature in black ink, appearing to read "Carl J. Unterkofler".

Carl J. Unterkofler, President  
Sun-Tastic Decks, Inc.  
14817 Hickory Post Ct.  
Centreville, VA 20121

Sun-Tastic Decks, Inc.  
Carl J. Unterkofler, Pres.  
14817 Hickory Post Ct.  
Centreville, VA 20121

NOV 19 2020

THE NEW YORK TIMES



MAY 02 2011

Cell-Tek Class Action Settlement  
Administrator  
c/o A.B. Data, Ltd.  
P.O. Box 170500  
Milwaukee, WI 53217

2022-12-26 08:22

BRIAN M. GAFF, ESQ.

**Cell-Tek - 45707**

**8638092**



**JUN 28 2011**

June 24, 2011

Cell-Tek Class Action Settlement  
Settlement Administrator  
c/o A.B. Data, Ltd.  
P.O. Box 170500  
Milwaukee, WI 53217-8042

RE: Milford & Ford Assoc. v. Cell-Tek, LLC  
Case No. 1:09-cv-11261-DPW (D. Mass.)

To Whom It May Concern:

Please be advised that pursuant to Fed. R. Civ. P. 23, I hereby request exclusion from, and exclude myself from, the class defined and certified in the above-referenced action.

Very truly yours,

Brian M. Gaff



\$0.440  
US POSTAGE  
FIRST-CLASS  
FROM 01907  
JUN 25 2011  
**stamps**.com  
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Cell-Tek Class Action Settlement  
Settlement Administrator  
c/o A B Data, Ltd.  
P.O. Box 170500  
Milwaukee WI 53217-8042

|||||



RINKER DESIGN ASSOCIATES, P.C.

Engineering • Surveying • Land Planning  
Transportation • Environmental

Cell-Tek - 45707

JUN 29 2011

8638093



June 21, 2011

Cell-Tek Class Action Settlement  
Settlement Administrator  
C/O A. B. Data, LTD.  
P. O. Box 170500  
Milwaukee, WI 53217-8042

Re: *Milford & Ford Associates, Inc and D Michael Collins v Cell-Tek, LLC*, Civil Action No 1:09-cv-11261-DPW

To Whom It May Concern:

Please exclude me from the class action settlement for *Milford & Ford Associates, Inc and D Michael Collins v. Cell-Tek, LLC*, Civil Action No 1:09-cv-11261-DPW

Sincerely,

A handwritten signature in black ink that reads "Edward B. Snider".

Edward B. Snider, Jr., P.E.  
President

RINKER DESIGN ASSOCIATES, PC



www.rdacivil.com

Edward B Snider, Jr., P.E.  
President

9300 West Courthouse Road  
Suite 300  
Manassas, VA 20110



Cell-Tek Class Action Settlement  
Settlement Administrator  
C/O A.B. Data, LTD.  
P.O. Box 170500  
Milwaukee, WI 53217-8042

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XXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

8638094



CLEAN-RITE SERVICES, INC  
1404 Hobbton Highway  
Post Office Box 691  
Clinton, North Carolina 28329  
Telephone 910 592-4731  
Fax 910 592-4043

June 27, 2011

Cell-Tek Class Action Settlement  
Settlement Administrator  
C/o A B Data Ltd  
Post Office Box 170500  
Milwaukee, WI. 53217

To Settlement Administrator

Re. Claim Form Milford & Ford Associates, Inc. and  
D Michael Collins v Cell-Tek, LLC,  
Civil Action No 1.09-cv-11261-DPW

I would like to exclude myself and Clean-Rite Services, Inc  
from the Cell-Tek Class Action Settlement

CLEAN-RITE SERVICES, INC

Ronnie Warren, Owner

CLEAN-RITE SERVICES, INC.

P. O. Box 691

Clinton, North Carolina 28329-0691



Cell-Tek Class Action Settlement  
Settlement Administrator  
c/o A.B. Data, Ltd.  
Post Office Box 170500  
Milwaukee, WI. 53217

# MARIETTA GRAVITY WATER COMPANY

1195 RIVER ROAD, P. O. BOX 302  
MARIETTA, PENNSYLVANIA 17547-0302

(717) 426-7040  
Fax (717) 426-7031

Cell-Tek - 45707

JUL 05 2011

**8638095**



June 30, 2011

Settlement Administrator  
Cell-Tek Class Action Settlement  
c/o A.B. Data, Ltd  
P.O. Box 170500  
Milwaukee, WI 53217

**Re Milford & Ford Associates, Inc. v. CELL-TEK, LLC v. ERIE Insurance Exchange, et al.**

C.A. No. 1:09-CV-11261-DPW

## **"OPT OUT" BY MARIETTA GRAVITY WATER COMPANY**

Dear Sir or Madam,

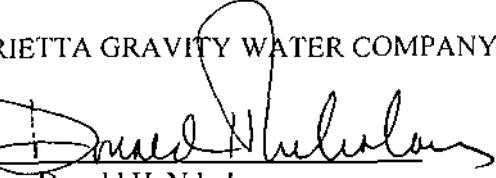
Please accept this letter as our notice that we have determined to OPT OUT from the class and from the settlement of the above-referenced action.

If you have any questions, you may reach me at 717 426.1931.

Sincerely,

MARIETTA GRAVITY WATER COMPANY

By:

  
Donald H. Nikolaus  
President

## MARIETTA GRAVITY WATER CO.

1195 RIVER ROAD  
PO BOX 302  
MARIETTA, PA 17547-0302



Settlement Administrator  
Cell-Tek Class Action Settlement  
c/o A.B. Data, Ltd.  
P.O. Box 170500  
Milwaukee, WI 53217

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